

By: White

H.B. No. 419

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing certain information to criminal defendants
3 charged with certain drug offenses before a plea is entered.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article 26.13, Code of Criminal Procedure, is
6 amended by adding Subsections (j) and (k) to read as follows:

7 (j) Before accepting a plea of guilty or nolo contendere
8 with reference to an offense under Chapter 481, 483, or 485, Health
9 and Safety Code, for which the indictment is based on the results of
10 a field test indicating the presence of a prohibited substance, the
11 court shall inform the defendant that the prohibited substance was
12 identified on the basis of a field test conducted by law enforcement
13 and not on the basis of a forensic analysis conducted by an
14 accredited crime laboratory.

15 (k) The court must substantially comply with Subsection
16 (j). The failure of the court to comply with Subsection (j) is not a
17 ground for reversal unless the defendant shows that the defendant
18 was harmed by the failure of the court to provide the information.

19 SECTION 2. Articles 26.13(j) and (k), Code of Criminal
20 Procedure, as added by this Act, apply to a plea of guilty or nolo
21 contendere entered on or after the effective date of this Act,
22 regardless of whether the offense with reference to which the plea
23 is entered is committed before, on, or after that date.

24 SECTION 3. This Act takes effect September 1, 2017.